

Mid-Month Council Meeting Minutes



May 21, 2014 - 7:00 pm

Meeting: 7:00 pm

I. Call to Order: 7:07 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
- b. Recognition of Visitors: Council elect Cindy Cook
- c. Pledge of Allegiance: Pledge was said
- d. Announcements:
 - o Town Hall closed May 26, 2014 for Memorial Day

III. Additions/Deletions to Published Agenda

- a. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda as written.

IV. Council Minutes

- a. Approval of April 30, 2014 Mid-month minutes
- b. Approval of May 7, 2014 Council minutes
- c. CM Ness motioned, CW Gorman seconded to accept the minutes as written.

V. Reports

- a. Fred Townsend III, Town Attorney

o Have been talking to TM Green about the dangerous properties and buildings not in compliance with the codes. There is a big difference in the process to follow between the two. Properties are easier to work with. There were a number of properties that received letters in April 2013 along with the Faries property. None of the other properties posed a threat to residents. We are analyzing them to figure out the best steps to take to get them into compliance. Most of them will not require a hearing or as much formality as 316 Gray Street did.

o Mayor Hatton said the Faries family received letters for 3 properties. They also cleaned up the property at Gray and Walnut Street. He said he believes the property on Cannery Lane poses a health issue. He asked TA Townsend if there is anything in our charter/ordinances about health issues.

o TA Townsend said there are. The laws for dangerous buildings won't apply but the health issues will trigger a letter of violation. We won't have to have a public hearing in this case.

o TM Green said he has sent letters stating it is a nuisance property and nothing has been done. There is also a small piece of property behind Faries property that is an enclave. Contacted NCC to see if they could get that piece cleaned up but again, nothing has been done.

o Mayor Hatton said he cleaned up the property at Gray and Walnut without prodding, would like to think he will do the same on Cannery Lane.

o TM Green stated Faries didn't address all the issues Dave listed in the letter at Gray and Walnut.

o TA Townsend explained the process for a property without a dangerous building and again stated he and TM Green will work on the process. Hopefully they will have a plan before the next meeting.

- b. Owen Hyne, Town Engineer

o Streetscape – not going as fast as we would like. They are using a disadvantaged business enterprise to do the curbs which helps DelDot to reach a goal so they continue to use them. The curb is in and they are forming the sidewalk.

o CM Ness said on his way to work it looked like they were doing some patching on some of the new curbs.

o TE Hyne said he will check into it, they will make them replace anything that is cracked. He then explained how the process is done. TE Hyne added that they should be working on the other side of the street (south side) in a week. We won't permit them to work on that side until they are done with the north side. There has been a problem with flagger issues. Because they are taking so long they are using more flagger hours. If the inspector sees they are doing something that they don't need flaggers, he is sending them home.

- CM Sutton asked what kind of avenue the Town has for work that is taking longer than normal and for the flagger issues.
- TE Hyne said if the flaggers are being used improperly the bill won't be paid.
- TM Green said in Change order #1 there were so many hours allocated for flaggers and once they reach the magical number, DelDot won't pay for any overtime.
- TE Hyne said the Town won't have to pay anything.
- Mayor Hatton added they are bumping their magic number and RVB is bumping their magic number for construction management and DelDot nor the Town will let the contingency be eaten up by this. There is \$27,000 in contingency money and we don't know what we will run into on the south side of the street and may need those funds. We need to make sure everyone is on the same page with this.
- TE Hyne said another issue is the brick sidewalk in front of the masonry building. They haven't returned any phone calls about replacing the sidewalk with concrete. Recommend leaving it alone, it will be cheaper.
- CM Sutton asked whose idea it was to reach out to them about replacing the sidewalk.
- Mayor Hatton stated it was ours, thought it would be cheaper to maintain and we are going to have nice, new concrete everywhere and they will still stick out as they have for years.
- TE Hyne stated the electric contracts for the park came in and were forwarded to the Town for signatures. We are working on some technical issues now.

c. Dawson Green, Town Manager

- There will be no trash pickup on Memorial Day; it will be picked up Tuesday.
- Townsend Elementary School called for a CO on Friday.
- TM Green notified CW Gorman that we can file a claim for vandalism at the park.
- In the following discussion TM Green was asked to see what the deductible is and will also check to see if a claim will make our rates go up because of vandalism. As the discussion continued CM Sutton stated the damage to the small pavilion is around \$700.00. Council decided not to file a claim for this amount and take a chance of raising the premium.
- CM Ness verified this was reported to the police and was told the report is on file.
- TM Green informed CM Ness that the speed radar was checked last week. Everything works but it has a bad sensor and won't show any your speed when you go by. TM Green will check to see what a sensor will cost.
- TM Green said the pot hole on E. Founds Street has been fixed. Rob Allen is going to fix the one on Edgar Road.
- TM Green asked TA Townsend if he has to send grass violations by certified mail when he knows the house is vacant.
- TA Townsend said yes; have to abide by the ordinance until it is changed. After the discussion, Council decided to have TM Green and TA Townsend look into revising the ordinance. There are several options that could be changed.
- TM Green stated he is in the process of putting a fee schedule together. There are fees listed in many different ordinances for different things. Want to get all the fees into one ordinance, very burdensome task. TM Green and TA Townsend will also work on this project.

VI. Committee Reports

a. Finance: Chair – Mayor Jermaine Hatton

- Budget Vote

1. Mayor Hatton said he sent Council several budget revisions. Salaries and COLA went down, was given the wrong figures. The ordinance/charter was cut in half. We have to add a comp plan validation for a state statute.

2. Because of the revisions we won't vote to approve the budget tonight and it doesn't have to be approved until June, it has to be in place by July 1st. We will do it at one of the June Council meetings once we have the numbers right.

b. Public Works: Chair - CM Rudy Sutton

- Discussion on making roads on both sides of DE Homes Realtor one way
- CM Sutton asked Council how they feel about doing this.
- Mayor Hatton asked if we had any recommendations from RVB yet.
- TE Hyne stated per state law the Town has to have an engineer opinion which can be done very quickly. Some changes, depending on what they, are require resolutions or ordinances. Would like TA Townsend's opinion on this.

○ TA Townsend said the difference between an ordinance and a resolution is the amount of notice you have to give. If it isn't an emergency, I recommend you make it an ordinance and have a public hearing. It isn't a zoning issue so you aren't required to have a public hearing but would encourage you to have one. This is an issue the public is interested in. I would always encourage you to make ordinances rather than resolutions.

○ It was clarified it would be one way turning north next to the restaurant and one way coming out south on the side street on the other side of DE Homes. Gray Street will remain 2 way.

○ TE Hyne will write a recommendation for everything that needs done to make these one way streets with a diagram. He will email this to Council tomorrow.

○ An ordinance will be written to be introduced at the June mid-month meeting and a public hearing at the July Council meeting.

c. Land Use & Development: Chair – Mayor Jermaine Hatton

○ PLUS Committee update

1. We received the recommendation report from Herb Inden via email about 4:30 today. It is 8 pages long and once I review it I will get back to Council.

○ Town Hall Acquisition – Discussion & Vote to set maximum expenditure

1. Mayor Hatton stated Environmental Testing came in and tested the Town Hall for wetness, mold and air quality. We should have the results next week.

2. Several months ago we started negotiating to possibly purchase 141 Main Street. The owner has come down in the asking price again and would like Council to give me a target number for negotiating.

3. TA Townsend interrupted and said this is a public meeting. He recommended Council schedule an executive meeting to discuss this. Another solution is any contract that is written can say the sale is contingent on Council approval and have an executive session at a later date. At this time you don't want the public to know the numbers you are working with, it could possibly raise the asking price from the buyer.

d. Community Relations: Chair – CM Joel Esler, Co-Chair – CW Lorraine Gorman

○ CW Gorman said she got some feedback from the yard sale. There were many new residents in attendance. All said they received, read and enjoyed the newsletter. She added that she thinks it would be nice if someone from Council took a copy of the latest newsletter to new residents and introduced themselves. Once a deed comes into the office we will know there is a new resident. She added she feels this is the right thing to do. If they have any questions we can answer them and maybe they will get more involved with Town functions and meetings.

○ Council agreed this would be a nice thing to do. All of Council will be involved and take turns visiting the new residents.

e. Public Safety: Chair – CM John Ness

○ The police never received any reports from the residents involved with the incident in TVII on April 26. I will visit each of them again to encourage them to file reports because the police can do nothing when people won't file reports.

f. Charter & Ordinance: Chair - CM Joel Esler

○ Mayor Hatton said the final version of the charter went to Representative Spiegelman, Senator Ennis, Senator Hall-Long and Representative Johnson. It is at Leg Hall, has to be put on the docket for the hearings and approval.

○ Mayor Hatton added he talked to Mayor Branner re: House Bill 333. One line in the bill states that charters approved pre January 2014 will be grandfathered. They are supposed to change the date and if they amend the date it won't affect us with the amended charter. This bill was put together because of another municipality in the state, the house leader didn't realize the fall out this bill would cause for all municipalities because of what one municipality was doing. The DLLG is very much against the bill.

○ TA Townsend stated one particular municipality wasn't doing anything. He stated that there is a lot of miss-information out there in relation to this. He went on to explain the situation that happened in Dewey Beach. This legislation is the fault of a very wealthy person and is based on false premise and very poorly written. If this bill passes, it will not be a good thing but think at least part of it will be enacted.

○ Mayor Hatton said he will get an update at the DLLG meeting tomorrow and let Council know where things stand.

g. Parks & Recreation: Chair – CW Lorraine Gorman

○ Repair/Restoration of Small Gazebo by playground

○ CM Sutton estimated it would cost \$700.00 to fix the gazebo. Would like to get some estimates to fix it and give it a face lift including painting it.

- Mayor Hatton stated this would fall under park maintenance and is routine.
- CM Sutton agreed to give TM Green the names of several contractors that do this type of work.
- TM Green is looking into seal coating the blacktop at the park and re-striping the parking lots. Unfortunately we can't use any of the grant money for this, it is considered maintenance.
- In the following discussion it was decided the pavement is getting worn and the striping is very faded. It hasn't been done since it was put in. The longer we wait to do this, the more it may cost us.
- TM Green said many people were contacted and only one submitted a bid but TM Green will try to get more estimates again.
- Report on Community Yard Sale
 - 42 people signed up for the sale but only 17 showed up. The ice cream truck came and sold hot dogs and ice cream. It was nice; think we should do it again. Believe the weather deterred some people.
- Approval to purchase/place additional mulch in playground areas
 - This also falls under park maintenance but want Council aware we are moving forward with putting 3" of mulch in the playground areas.
- Residents request for memorial tree in park (added 5/19/14)
 - A resident wants permission to plant a tree in the park in memory of a loved one that passed who was a lifelong resident of Townsend. She wants to plant a tree because it is permanent. She also asked about putting a small plaque or bench at the base of the tree. I told her I would have to have Council approval but that the Town would in no way be responsible for the tree. She would have to maintain it and there is no water at the park. Also told her about the off and on vandalism at the park. She had no problem with any of this.
 - After a long discussion, Council decided it would be OK for the resident to plant and maintain a tree. They can also put in a bench as long as it matches the benches in the park. No plaque will be permitted. This park was built for everyone to enjoy, not as a memorial park. Council doesn't want to set precedence.
- Annual Townsend Fair & Parade – Saturday, September 27, 2014
 1. Fair Committee: Mayor Hatton will be the timekeeper, in charge of ensuring everything is done on time. CM Sutton is in charge of the contests. CM Ness is in charge of parking and CW- elect Cook and I will do the Town table and Town Game duties.
 2. Volunteers: 8 people have signed up.
 3. Update on vendor and parade registrations: Parade and Vendor registrations coming in.
 4. Suggestions: none at this time.

VII. Citizens Comments & Participation: none

VIII. Adjournment: 8:45 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.
